**HIGH COURT OF UTTARANCHAL AT NAINITAL**

Writ Petition No. 765 of 2004

Raj Bahadur Singh ..... Petitioner.

Versus

District Magistrate, Udham Singh Nagar &
Others ..... Respondents.

Sri S.K. Mandal, Advocate for the petitioner
Sri S.K. Jain, Advocate & Standing Counsel for the respondents.

Dated: 18.8.2004

**Hon. Rajesh Randon, J.**

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for a writ of direction in the nature of certiorari to quash the recovery citation dated 13.7.2004, issued by the respondent no.3, annexure-3 to the writ petition.

According to the petitioner he is a small farmer and has taken loan of Rs.87,500/- for running Diary Farm Business under Pradhan Mantri Rozgar Youjana Scheme, in the month of December 2002. The respondent no.1 and respondent no.2 alleged by the petitioner that the respondents have issued proclamation for recovery as arrears of land revenue.

The petitioner has also alleged that no account has been furnished by the Bank so as to enable him to come to the conclusion that the citation made is correct. Further according to him calculation of interest is wholly incorrect and no compound interest can be charged.

In the case of *Central Bank of India vs. Ravindra and others, AIR 2001 SC 3095* the Apex Court has observed:

"*Statement of accounts supplied by banks to borrowers many a times do not contain particulars or details of debit entries and when written in hand are worse than medical prescriptions putting to test the eyes and wits of the borrowers. Instances of unscrupulous, unfair and unhealthy dealings can be multiplied though they cannot be generalized.*"

Therefore, I am of the opinion that the Bank authorities will furnish the account to the petitioner on production of certified copy of this order.

So far as payment of amount is concerned the petitioner is not challenging the recovery proceedings. However, the said plea is also not available to him.

The petitioner has prayed that he being small farmer if the amount is realized by him through easy instalments it will serve the purpose of the Bank and will also give relied to the petitioner who is a small farmer. In my opinion the interest of Bank will be fully secured if the petitioner pays the amount in eight equal quarterly instalments.

In view of the aforesaid the petitioner is directed to pay the entire outstanding loan amount in eight quarterly instalments. The first instalment will be paid by or before 31.10.2004. The amount of interest will be paid in the last instalment. In case of default of any instalment, the liberty is

given to the petitioner to pay the loan amount in intalments shall no more be available.

Subject to the above observation, the writ petition is disposed of. No order as to costs.

**(Rajesh Tandon J.)**

18.8.2004
*Dhyani